

13.06.2023

Sl. 46

Court No.29

Suvayan

(Allowed)

C.R.M. (DB) 2235 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with POCSO case No. **56 of 2023** arising out of **Manikchak** P. S. Case No. **239 of 2023** dated **22.04.2023** under Sections **448/307/506/34** of the IPC read with Section **12** of the POCSO Act, 2012.

And

In the matter of: **Md Nijamuddin @ Nijamuddin Nadap @ Md Sonu**

....petitioner

Mr. Kalidas Saha

...for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

1. Heard the learned Counsel for both the parties.
2. The petitioner is alleged to have been influenced by unrequited love. The present petitioner is alleged to have scaled the walls of the house of the victim up to 1st floor and he is alleged to have placed a knife on the throat of the victim, threatening her parents to give her in marriage to him. Such an action is no doubt deplorable especially when the victim girl is a minor. However, there is no record of past criminal antecedent against the petitioner and the investigation has progressed substantially.
3. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner, his tender age and possibility of reform in him, it is directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, 2nd Court, Malda in POCSO case No. 56 of 2023 arising out of Manikchak P.S. case No. 239 of 2023 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case including the

condition that: i) the petitioner shall appear before the I.O. everyday in between 5 P.M. to 7 P.M. till submission of Final Form; i.a) during such appearance the I.O. may inquire from him regarding his whereabouts in the previous day and the fact where he was there within a vicinity of 500 meters from the house and school of the victim; ii) the petitioner shall not see the face of the victim during the currency of this order; iii) he shall not threaten, induce or coerce the victim or any other witness of this case in any manner whatsoever during currency of this order.

4. The aforesaid condition shall only be relaxed by the learned Trial Court after commencement of the trial if learned Trial Court is satisfied about the *bona fides* and absence of danger to the victim from the petitioner.
5. Accordingly, the prayer for bail of the petitioner is allowed.
6. CRM (DB) 2235 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)